

To: Schefski, Kenneth[Schefski.Kenneth@epa.gov]
From: Madigan, Andrea
Sent: Tue 9/15/2015 9:59:46 PM
Subject: FW: Long Term Treatment Plan - Legal questions
1993 Dodson point source letter - 12-22-93.pdf

Andrea Madigan

CERCLA Supervisory Attorney

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From: Madigan, Andrea
Sent: Tuesday, September 15, 2015 3:59 PM
To: Bohan, Suzanne
Subject: FW: Long Term Treatment Plan - Legal questions

The Dodson CWA memo is attached.

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From: Madigan, Andrea

Sent: Tuesday, September 15, 2015 3:51 PM

To: Bohan, Suzanne

Cc: Schefski, Kenneth; Sisk, Richard

Subject: RE: Long Term Treatment Plan - Legal questions

Attorney/Client Communication

Privileged

DO NOT RELEASE UNDER FOIA

Here is our response (based upon the collective wisdom of the CERCLA attorneys).

1. What authorities would EPA use to purchase and operate a water treatment package plant to address GKM drainage (\$3M est cost initially)?

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

Deliberative Process/Ex. 5

2. What discretion do we have to decide whether to treat? Citation

Deliberative Process/Ex. 5

3. Liability if we take no action? If we take action? Citation

Deliberative Process/Ex. 5

4. If PRP caused release, would we require water treatment? (NPDES Permitting Issue?) – gets to issue of holding ourselves to same standard as private entity

Deliberative Process/Ex. 5

5. Implications for Sunnyside/ Kinross response actions – could we order them to take over water treatment operations?

Deliberative Process/Ex. 5

6. Implications for listing

Deliberative Process/Ex. 5

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From: Bohan, Suzanne

Sent: Tuesday, September 15, 2015 12:00 PM

To: Madigan, Andrea; Sisk, Richard

Cc: Schefski, Kenneth

Subject: Long Term Treatment Plan - Legal questions

Following is list of the questions Martin posed yesterday. First 3 are ones that David thinks will be useful for discussion with HQ tomorrow. Can you provide me with responses to these 3 today? These would be used as talking points for a call with HQ.

1. What authorities would EPA use to purchase and operate water treatment package plant to address GKM drainage (\$3M est cost initially)? Citation
2. What discretion do we have to decide whether to treat? Citation
3. Liability if we take no action? If we take action? Citation
4. If PRP caused release, would we require water treatment? (NPDES Permitting Issue?) – gets to issue of holding ourselves to same standard as private entity
5. Implications for Sunnyside/ Kinross response actions – could we order them to take over water treatment operations?
6. Implications for listing

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